

VERMONT WETLAND PERMIT APPLICATION PROCESS

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General

The Vermont Wetland Program (VWP) has two permit applications: one for a Individual Permit and one for authorization under general permit number 3-9025. The individual permit application also includes the option to request a determination of wetland classification (section 21 of the 2017 application). There is a separate determination application for classifications which are not associated with a permit. The applications include instructions embedded into the forms. The website will contain the most recent versions of the applications, and only this version will be accepted. The Application form is available in fillable pdf. Dropdown menus, check boxes, and text fields are available for you to fill out. The text fields have unlimited characters, so no supplemental narratives will be required. Any supporting narratives should be inserted directly into the application. For applications involving multiple wetlands, there is a supplemental excel file for inputting information on each wetland to supplement the application. With the application, a site location map and project plans need to be submitted with either application. In addition, the individual permit requires the submittal of ACOE wetland delineation sheets. Where the landowner signature cannot be obtained, landowner easements or permissions need to be attached to the application. **Due to our new online noticing process, we request an electronic version of the application for ease of processing.** A paper copy is not required, but will be accepted.

Application Sequence

In general, each of these application processes follows a similar sequence:

- A site visit occurs with the District Wetlands Ecologist (for individual permits);
- An application is filled out by the applicant or their representative and submitted to the Vermont Wetland Program;
- The applicant receives a receipt and a notice form to distribute to all abutters, the applicant proceeds with noticing abutters, and sends a certification to the VWP that the notice was sent to abutters (NEW 2017);
- The application is reviewed for administrative and technical completeness by the Vermont Wetlands Program. More information may be required, or the application is called complete and moves on to the next step. After each step, the applicant and the environmental notice bulletin receives a notice. **NOTE:** The quality and completeness of the application is the most critical factor in determining how long an application takes to process;
- Once the application is called technically complete, the applicant proceeds with filing copies of the application to the town clerk of each municipality in which the parcel is located and relevant regional planning commissions, and notifies the Vermont Wetland Program once this distribution is complete (this does not apply for a General Permit Authorization application);
- The VWP puts the application and draft decision on notice for public comment;

- The VWP investigates any comments. The Program may require a response to comments from the Applicant if appropriate.
- The permit is approved or denied and notice is sent regarding the decision to the distribution list. The applicant receives a complete copy of the permit.

Permit Application Details

1. **Regulations and Qualifications:** The process and requirements for applying for and receiving a Vermont Wetland Permit are outlined in Section 9 of the Vermont Wetland Rules. All activities in a Class I or Class II wetland or their associated buffer zones that are not considered an Allowed Use, require a Vermont Individual Wetland Permit or Authorization under the General Wetland Permit. In order to receive a Vermont Wetland Permit or authorization, the applicant must demonstrate the proposed project will not have an undue, adverse impact on the functions and values of the wetland (Section 9.5a). Avoidance and minimization of impacts to the wetland or buffer zone is required (Section 9.5b).

3. **Fee Schedule:** In accordance with 3 V.S.A §2822, a \$240 processing fee plus \$0.75 per square foot of wetland impact and \$0.25 per square foot of buffer zone impact are required. A \$0.25 impact fee will be assessed for utility line, pipeline and ski trail projects for clearing forested wetlands in a corridor that maintain the clearing conditions. Permits for activities which were conducted without a permit are charged double the fee for wetland impact or \$1.50 per square foot. Conversions to agricultural fields require a flat fee of \$200 total. The check sent with the application should EXACTLY reflect the fee calculation. Please do not round up or down.

4. Distribution and Notification Requirements:

Distribution: The distribution requirements are outlined in Section 9.2 of the Vermont Wetland Rules, and are the responsibility of the applicant. The distribution requirements are as follows:

a. The applicant shall, in addition to filing an original copy with the Secretary, file a complete copy of the request for an individual permit with the following:

- 1. the clerk of each Vermont municipality in which the wetland or buffer zone is located,*
- 2. each regional planning commission serving the geographical area in which the wetland or buffer zone is located.*

b. In addition, copies of the location map, the description of the specific action(s) for which a permit is sought, a supporting narrative and a listing of where complete copies of the request have been filed shall be provided to the municipal planning commission and/or conservation commission and to all persons owning property within, or adjacent to, the affected wetland area or buffer zone in question.

c. The Secretary may require an applicant to submit any additional information that the Secretary considers necessary in order to make a decision on the issuance or denial of a permit. The Secretary may dismiss the application without prejudice if the requested information is not provided to the Secretary within sixty (60) days of the Secretary's request.

Part B of the distribution requirements will need to be submitted once the applicant has received a receipt for the application from the VWP, and shall also include all landowners who are abutting the parcel and all landowners within and adjacent to the effected wetland area. Part A of the distribution will be filed after the VWP has deemed the application technically complete. The distribution is

completed in this order to ensure that the final iteration of the application is distributed, and not one which is technically incomplete.

The applicant shall certify to the VWP in writing that such notice has been provided, and shall state in the written certification the name and address of each person notified and the date and manner that notice was provided. The applicant is responsible for providing correct and complete list of abutters, including names and mailing addresses. If this information is incorrect, an application can be appealed on the grounds of improper notice. If incorrect information is found before the permit is issued, the notification period will need to start over, causing project delays.

Modified Distribution: If the application does not include impacts to a presumptive (VWR §4.6) wetland, the applicant may choose to limit the distribution list. At a minimum, the applicant must 1) provide notice to any adjoining property owner (shares a property boundary with a tract of land where the proposed activity will take place) or adjacent to such a land where activity is located and the two properties are separated only by a river stream or public highway, and 2) provide notice to all persons owning property containing the wetland or the buffer zone within 500 feet of the project area as 500 feet is presumed the extent of the affected wetland area.

Notification: The notification requirements for the permit application and draft decision are listed in Section 9.3, 9.4 and 9.9 of the Vermont Wetland Rules. The VWP is responsible for placing the application on public notice through the online environmental notice bulletin. Individual permits shall be noticed for no less than 30 days and General Permit authorizations no less than 14. The VWP may hold a public meeting to receive comments for individual permits, and shall do so whenever a request is made within the first 14 days of the issuance of the draft decision.